



# **WEST VIRGINIA DIVISION OF MOTOR VEHICLES**

## **PRIVACY PROGRAM and CONFIDENTIALITY POLICIES**

# DEFINITION OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

**Anything that can be used to identify,  
locate or contact a person...**

- Photograph or computerized image
  - Date of Birth
  - Social Security number
  - Driver License or ID number
- Name and address (excluding the five-digit zip code)

# Personally Identifiable Information (PII)

This includes less obvious information, such as:

E-mail addresses, credit card numbers, telephone numbers, bank account numbers and payment card information, information about citizens, co-workers, vendors and employers, and information in other formats computerized or on paper. These identifiers are also protected from release and use unless permitted by law.



# RELEASE OF PERSONAL INFORMATION

## WHICH LAW APPLIES?

**FREEDOM OF  
INFORMATION  
ACT (FOIA)**

**OR**

**DRIVER PRIVACY  
PROTECTION ACT  
(DPPA)**

# WHAT IS FOIA?

The **FREEDOM OF INFORMATION ACT** or **FOIA** was enacted to allow citizens to understand government operations.

Under FOIA, the response to requests for the release of documents that **do not** contain personal information must be written within **5** days.

# WHAT IS DPPPA?

**CONFIDENTIAL**

**The Driver Privacy Protection Act was enacted in 1997 to restrict people from obtaining personal information from State Motor Vehicle agencies and their permitted users.**

# The West Virginia Uniform Motor Vehicle Records Disclosure Act is commonly referred to as DPPA.



# PERMITTED USERS

A person or company must be a permitted user as defined under **DPPA** to receive personal information from DMV records.

*Have you Heard?*





# PERMITTED USERS\*

Personal information cannot be released to anyone else without written consent unless the requester is a:



- Government agency
- Court
- Insurance company
- Private toll transportation facility
- Employer verifying employee information
- Others **MAY** be permitted users

\*certain restrictions apply

# ACCOUNTABILITY

Employees **and permitted users** of DMV records are responsible for the security of Personally Identifiable Information (PII) that DMV collects & creates.



Employees and permitted users who access or release personal information that is not part of a valid work assignment have committed a **crime.**

# WV WEB SITE

**Vehicle and Driver License  
Request Forms are  
available on the West  
Virginia web site @  
[www.wvdmv.gov](http://www.wvdmv.gov)**

Under Popular Forms and Documents,  
scroll down to **See More.**



The Division is **PROHIBITED**  
from releasing  
**PERSONAL**

**information to anyone who does not qualify  
as a permitted user under the DPPA.**

# Requests Not Permitted:

Often, people who have been involved in a hit-and-run accident will have the license number of the car that fled the scene.

You are **NOT** permitted to give them **ANY** personal information about the registered owner(s).

Advise the person to contact a local law enforcement agency and/or their insurance carrier.

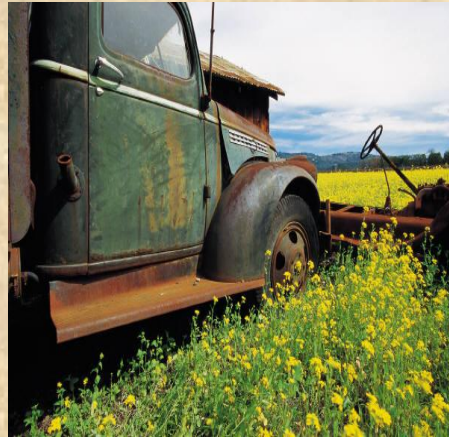
**ABSOLUTELY ... NO**



**personal information is to be  
given over the telephone.**

# ABANDONED VEHICLES AND PARKED CARS

Personal information about the owner  
of abandoned vehicles



and/or vehicles parked along the street  
cannot be released to the public.

# NEWS MEDIA

News Media Personnel are NOT permitted users and cannot be given personal information from DMV records.



**Television stations**



**Radio Stations**



**Newspapers**



**Internet**



**E-mail**



# **NO MARKETING, SURVEYS OR SOLICITATIONS**

**Even if a person or company qualifies as a permitted user, personal information**



**CANNOT BE  
RELEASED OR  
RESOLD  
for**

# **MARKETING, SURVEYS OR SOLICITATION**

A photograph of two women in business attire. The woman on the left is smiling and looking towards the right. The woman on the right is looking at a document held in front of her. The document has the word "CONFIDENTIAL" printed on it. The background is a plain, light-colored wall.

# NOT PERMITTED!

**CONFIDENTIAL**

**No one is permitted to access personal information out of curiosity, for birthday celebrations, to send get well cards or for any reason not related to work assignments!**

# **WRONGFUL DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

may result in permanent access revocation  
to DMV records and disciplinary action  
including **TERMINATION**



# Criminal Penalties for wrongful disclosure

Failure to comply is a misdemeanor punishable by a fine of \$500.00/ imprisonment for 6 months or BOTH.

**THIS MEANS YOU!**



# CIVIL PENALTIES FOR WRONGFUL USE



A person who knowingly obtains, discloses or uses personal information from a DMV record is liable to the individual to whom the record pertains.

A judge must award a minimum amount of \$2,500 in actual damages, and can award punitive damages, attorneys' fees and any other appropriate relief.

**THIS ALSO MEANS YOU.**



# WHY HAVE A PRIVACY PROGRAM?

- The Privacy Program balances individual privacy with DMV's legitimate need to collect, use and disclose information for agency business purposes.



- This commitment extends to all employees as well as citizens, service providers and business partners.



- The program demonstrates our commitment to the citizens of West Virginia by protecting their information and using it properly.

# The Accountability Policy

## What It Means to You

If you aren't sure of something, contact the Privacy Officer.

You have the power to question anything that doesn't seem right!

Be sure you understand how the policy applies to your duties.

Report violations and mistakes

**IMMEDIATELY!**

# INCIDENT REPORTS

**All unauthorized disclosures require an incident report to be filed with the DMV Privacy Officers:**

Jill Dunn, Chief Privacy Officer

Joyce Abbott, Privacy Officer

304.926.0708

Wilbur Thaxton, Information Security Officer

304.926.2565



# MINIMUM NECESSARY AND LIMITED USE

- Demonstrates our commitment to only collecting the PII that we need for Agency business.
- Determine what elements of PII you actually need from the individual and only release what is necessary.



# SECURITY SAFEGUARDS POLICY

- **The DMV implements the appropriate management, operational, physical and technical controls to preserve the privacy, confidentiality and accessibility of PII and SPI (sensitive personal information.)**
- **You cannot respect privacy unless you secure PII.**
- **Ask questions – Is the individual authorized to receive PII?**
- **Don't ever be afraid to say no. Offer a better solution.**



# BE ALERT

- Pay careful attention to activities that can expose PII, including storage and disposal.
- We all make mistakes – if you do, report it immediately.



108681

# LOCK IT – PHYSICIAL SECURITY

- **Store documents and files, CD's, floppy disks, zip drives, and other materials containing PII in a locked room or locked file cabinet.**
- **Log off of your computer anytime you step away from your work area whether it's for a short break, the day, or while you are on vacation.**



# SUMMARY

- **Laws, Policies and Procedures regulate our collection, use, transfer and storage of PII.**
- **They require that we respect individual rights of access and correction.**
- **They demonstrate our willingness to accommodate individual privacy concerns.**
- **They require us to answer questions and respond to complaints.**



# COMPLY WITH POLICIES

- Take a few minutes to review these rules and make sure you understand how they apply to your daily activities.



- Ask questions if you are not sure!



# The Accountability Policy Names & Numbers to Know

## OT Office of Technology

304.558.5472

Email [ITservicedesk@wv.gov](mailto:ITservicedesk@wv.gov)

## DMV Privacy Officers

Jill Dunn, Joyce Abbott and Wilbur Thaxton



5707 MacCorkle Ave., S.E.  
Charleston, WV 25311

304.926.0708

[jill.c.dunn@wv.gov](mailto:jill.c.dunn@wv.gov); [joyce.a.abbott@wv.gov](mailto:joyce.a.abbott@wv.gov);  
[wilbur.l.thaxton@wv.gov](mailto:wilbur.l.thaxton@wv.gov)